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April 23, 2007

Federal Communications Commission,
445 12th Street, SW
Washington, DC 20554

**RE: FCC Notice of Proposed Rulemaking on Communication Towers and Birds, WT
Docket No. 03-187, FCC 06-164.**

Dear Federal Communications Commission:

Thank you very much for the opportunity to provide comments regarding the FCC Notice of Proposed Rulemaking (NPRM) on Communication Towers and Birds, WT Docket No. 03-187, FCC 06-164 on behalf of the more than 12,000 members of Audubon Connecticut. Audubon Connecticut ***strongly urges*** the FCC to adopt new rules consistent with the recommendations of the United States Fish and Wildlife Service (USFWS), which is the federal agency responsible for the protection of migratory birds in the United States.

There is extensive evidence documenting the death of millions of migratory birds each year through collisions with the 90,000 existing antenna tower structures in the United States. Cumulatively, these deaths are significant for many species of birds including Birds of Conservation Concern and species included on the Audubon WatchList. Since there are readily available techniques to prevent and reduce this mortality we ***strongly suggest*** that the FCC adopt these measures without delay to address this pressing environmental issue.

The U.S. Fish and Wildlife Service (USFWS), whose duties under federal law include the protection of migratory birds, concludes that between 5 million and as many as 50 million birds are killed at FCC registered towers annually, and that population impacts to migratory songbirds are severe and biologically significant. The FCC has peer-reviewed published studies of bird kills at towers, including a 38-year study of a single television tower in west central Wisconsin documenting 121,560 birds killed, representing 123 species - primarily long-distance Neotropical migrants.¹ A 29-year study by the Tall Timbers Research station at a

¹ Links to the relevant studies are available on the USFWS web site:
<http://www.fws.gov/migratorybirds/issues/towers/towers.htm>

Florida TV tower documented the killing of more than 44,000 birds from 186 different species, 94% of which were Neotropical migrants. These studies suggest that more than 60 of the species killed at these towers are USFWS Birds of Conservation Concern that needs special attention to prevent Endangered Species Act (ESA) listing.

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Audubon Connecticut is in agreement with comments submitted to the FCC in response to the Notice of Inquiry and this NPRM, that the standard for significance at issue for FCC legal action and compliance is not a scientific standard, but rather a statutory standard under the National Environmental Policy Act (NEPA); bird kills at communications towers clearly constitute a *significant impact* to biological resources under NEPA. We believe that the FCC is required to act under NEPA, the Migratory Bird Treaty Act (MBTA) and the ESA in order to prevent such a significant environmental impact to birds.

Fortunately, guidelines exist to help the FCC in drafting effective rules to change the tower siting, lighting, and use of guy wires at towers in order to reduce the number of bird kills. **Audubon Connecticut strongly suggests that the FCC adopt these guidelines as part of their statutory requirement to protect birds.**

These guidelines suggest that:

- 1) Wherever possible, new antennas should be co-located on existing structures, and if not, kept under 200'
- 2) If lighting is required, only white or red strobe lighting should be used – use of steady-burning or slow-pulsing red lights should cease;
- 3) All existing towers using red steady-burning or slow-pulsing lights should be converted to white or red strobes; and
- 4) New towers under 500' should not use guy wires unless absolutely necessary

In addition, we ***strongly suggest*** that the FCC adopt the Federal Aviation Administration's stated preference for the use of strobe lighting exclusively at night wherever and whenever possible. New and older research documents that red steady-burning or slow-pulsing lights ***attract birds*** to towers at night and that many of the ensuing deaths are from striking guy wires.

Research conducted in Michigan by Dr. Joelle Gehring documents that 90% of bird kills are caused by guy wires.² Turning off red steady-burning lights at night and using red or white strobe lights reduced bird kills by approximately 72%. The use of red strobe lights and/or lower intensity white strobe lights has the added benefit of minimizing disturbance to neighbors and to those interested in viewing the night sky.

² <http://wireless.fcc.gov/releases/birdstudy.pdf>

Audubon Connecticut urges the FCC to act in accordance to with NEPA, ESA, and the MBTA to address the problem of bird kills at communications towers and adopt provisions for the co-location of towers, the use of strobe lights exclusively on all towers, and the prohibition guy wires on new towers when possible. We urge the FCC to ***act now*** to prevent the deaths of millions of birds at communication towers each year.

Thank you very much for this opportunity to comment on this important issue.

Sincerely,

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Audubon Connecticut, the state organization of the National Audubon Society with more than 12,000 members across the state, works to protect birds, other wildlife, and their habitats using education, science and conservation, and legislative advocacy for the benefit of humanity and the earth's biological diversity. Through our network of nature centers, wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.